

REMARKS

This amendment is in response to the Final Office Action dated May 4, 2006. Reconsideration of the above-identified application in view of the amendments above and the following remarks is respectfully requested. Additionally, a Request for Continued Examination (RCE) is being filed concurrently.

In the response to the Final Office Action dated May 4, 2006, the Examiner provides a notice of non-compliant amendment regarding claim 62. The Examiner bases his notice on the erroneous identifier given to claim 62 in the previous response. The applicant apologizes for the erroneous identifier given to claim 62 in the previous response. Claim 62 is currently amended. Thus, a favorable reconsideration and allowance of the amendment is respectfully requested.

Claims 1 -179 are currently pending, of which 1-3, 6, 11, 15, 17, 21-22, 35-36, 59, 62, 71, 74, 80, 108-109, 116-117, 120, 124-125, 152, 157, 166, and 174 are retained in this response, the remainder being canceled without prejudice.

Claims Rejections under 35 USC 102(e)

Claims 108-134, 152-161, and 163-165 are rejected under U.S.C. 102(e) as being anticipated over *Flavin et al.* U.S. Patent Number 6,219,788 (hereinafter: *Flavin*).

In the light of the Examiner's remarks and according to the differences between *Flavin* and the present invention, the Applicant has amended independent claim 108, emphasizing the distinctiveness of the present invention in the light of the prior art. Based on the differences between the present invention and *Flavin*, as elaborated hereinafter, independent claim 108 has been changed and is now believed to be novel, and inventive. Thus, the Applicant believes that *Flavin* does not anticipate the amended independent claim 108. The dependent claims are also believed to be allowable as being dependent on the amended independent claim.

In the response to the Final Office Action dated May 4, 2006, the Examiner argues that *Flavin's* teaches a "*trusted environment being operable to produce a rendered version of said digital content and further being comprised of mechanisms to restrict tampering thereof*". The applicant submits that *Flavin* indeed teaches a trusted environment, which is operable to produce a version of a digital content, as depicted in Fig. 5 of *Flavin's* application. Moreover, as stated by the Examiner, *Flavin* is equipped with tamper protection for resisting exogenous attempts to gain unauthorized access to the system, as disclosed by *Flavin* disclosure (*Flavin*: ABSTRACT).

However, the Applicant believes that the "*method for securing digital content*" of present invention and the "*watchdog for trusted electronic content distributions*" of *Flavin* are substantially different.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). As argued in the response to the Office Action dated October 19, 2005, one of the main differences between *Flavin* and the present invention is that the present invention is configured to produce a version of the digital content which is rendered for a display (Present invention: paragraphs [0009] and [0218]).

The Applicant respectfully disagrees with the interpretation that has been given by the Examiner to the term "rendered version", but has amended the claim to refer to content rendered *for a display*. The Examiner asserts that a "rendered version" is equal to transforming raw content to distributable content. However, *Flavin's* disclosure specifically defines "*distribution content*" as content that may include *unique identifiers or information that a producer and/or a distributor may want to verify concerning the distribution of content* [*Flavin*: column 3, lines 42-55]. *Flavin* does not mention, teach, or even imply that the "*distribution content*" is rendered *for a display*. On the contrary, the digital content in the present invention is a version rendered for a display, meaning it is already in the form of *pixels as required for the screen*. The transformation of digital content onto such a rendered version is substantially different from the transformation of raw content to the distributable content which is disclosed in *Flavin's* disclosure, because a full listing of pixel data is very lengthy and unwieldy and not at all suitable for distribution.

Rendering (Computer Science) is defined in the field as a process of producing the *pixels* of an image from a higher-level description of its components (Entry in www.Wikipedia.com, an Internet source that is indicative of the common general knowledge of the skilled person).

The process of rendering digital content onto a display differs from simply preparing the digital content for distribution. Known techniques for rendering such as rasterisation, scanline rendering, radiosity, ray tracing and Monte Carlo techniques require certain adjustments and have high computational complexity. Therefore, it is clear that simply "*transforming raw*

content to distributable content" does not expressly or inherently describe rendering digital content onto a display as disclosed in the, independent claim 108. On the contrary, image data rendered for a display is inherently undistributable in that it would require huge amounts of bandwidth just to transmit a small number of frames. On the other hand, distributable forms of video such as MPEG *cannot* be transferred directly to a screen, because the screen would have no ability to display them.

Therefore, *Flavin* does not anticipate the rendering of the digital content onto a display as described in the amended claim 108 of the invention. In addition, as *Flavin* does not even deal with the issue of rendering, and thus does not suggest or imply that the rendering process should be part of securing the content, it is also submitted that the claim is not rendered obvious by *Flavin*.

Rejections under 35 USC 103(a)

Claim 1 – 41 and 59-89 are rejected under U.S.C. 103(a) as being unpatentable over *Flavin* in view of *Yeung et al.* U.S. Patent Number 6,668,246 (hereinafter: *Yeung*).

The applicant believes that *Flavin* in view of *Yeung* does not make obvious all limitations of the amended independent claims 1. In the light of the Examiner's remarks, and according to the differences between *Flavin* and *Yeung* and the present invention, the Applicant has amended independent claim 1, emphasizing the inventiveness of the present invention in the light of the prior art. Thus, the Applicant asserts that the amended claim 1 is now allowable, and that the dependent claims are consequently allowable as being dependent on allowable main claims.

In the response to the Office Action dated May 4, 2006, the Examiner argues that *Yeung* is directed toward "*a method for secure distribution of digital content*" that comprises a step of "*constructing at least two digital inputs, said digital inputs being operable in combination in order to produce a rendered version of said digital content*" and a step of "*transferring digital media to said trusted environment such that each of said inputs is transmitted via a different path and combining said inputs in order to produce said digital content*".

The applicant submits that *Yeung* indeed teaches *a method for secure distribution of digital content*. However, the applicant believes that *Yeung*'s method is substantially different from the present invention. As mentioned by the Examiner, *Yeung*'s method comprises a step of constructing two digital inputs. One of the digital inputs is the digital content itself and the other digital input is a watermark key (*Yeung*: Column 9, lines 24-50). The watermark key is used in a

watermark insertion scheme in which data is embedded into the digital content in an unobtrusive way. The inserted data comprise meta-data that includes information such as information about the creator of the content, a creation date, the content owner, etc. (*Yeung*: Column 5, lines 1-10). In most of the embodiments that are disclosed in *Yeung's* application, the watermark insertion scheme occurs on a server platform. By sending the watermark key and the content in separate channels *Yeung* allows the performance of the *watermark insertion scheme* on the client platform "... *exactly as would be performed in server platform 110 with watermark insertion key 920 being discarded after use*" (*Yeung*: Column 9, lines 40-45). The aim of sending the content and the watermark key via separate digital inputs is to send copies of the digital content *to each client platform (or an intermediary module) without undergoing fingerprinting or visual/perceptual scrambling operations* (*Yeung*: Column 9, lines 23-27). Thus, it is clear that the combination of the two digital inputs is done for embedding watermark key into the digital content and not for *producing a rendered version of the digital content*. Moreover, it is clear that the two digital inputs are combined in order to embed the watermark key into the digital content and not *in order to produce said digital content*.

Unlike *Yeung's method*, in the present invention the digital inputs are constructed in order to produce a version of the digital content, which is rendered for a display (present invention: paragraph [0218]). One digital input comprises digital content and the other digital input comprises reconstruction information, which is configured to allow the displaying of the digital content (present invention: Fig. 2; paragraph [0218]).

The Examiner further argues that it would have been obvious to the one having ordinary skill in the art, at the time the invention was made, to modify *Yeung's* method to include the computer watchdog system of *Flavin*. Based upon this argument the Examiner argues that producing a rendered version of the digital content is obvious.

The Examiner admits that *Yeung* fails to disclose, "*constructing a trusted environment within said untrusted environment and combining said inputs within said trusted environment in order to produce a rendered version of digital content*". As described above, *Flavin* does not disclose production of a rendered version of digital content either. The applicant believes that neither *Flavin* or *Yeung* nor the combination thereof discloses or implies an apparatus or a method operative to render the digital content onto a display. Moreover, there is no hint in *Flavin* or in *Yeung* or in the combination thereof that the digital inputs are constructed in a

manner that allows the combination thereof in a manner that facilitates the rendering of the combination onto a display, as disclosed in the amended claim.

In order to establish a *prima facie* case of obviousness, the prior art references when combined must teach or suggest all the amended claims limitations (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). The prior-art references, as elaborated above, do not teach or suggest the apparatus and method, which are defined in the amended claims 1 that enable the rendering of the digital content onto a display. Therefore, no *prima facie* case of obviousness is established regarding the limitations of the amended claims 1.

Another criterion for establishing a *prima facie* case of obviousness is that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings (*Ex parte Skinner*, 2 USPQ2d 1788 (Bd. Pat. App. & Inter. 1986)). The Examiner argues that the motivation to modify *Yeung* to include *Flavin* is to further protect the digital content by providing the distributor with a trustworthy measurement of content distributed in order to prevent unauthorized use of the content. Thus, it is clear that the motivation to modify *Yeung* to include *Flavin* or to combine *the teachings of Yeung and Flavin* is to improve security of the content. There is no apparent motivation to modify *Yeung* to include *Flavin* in order to generate a version, which can be rendered onto a display, as disclosed in the present invention. Thus, no suggestion or motivation to make the present invention is found in *Yeung* or *Flavin*.

It is believed that all of the matters raised by the Examiner are overcome, and that all of the claims are both novel and inventive. In view of the foregoing, it is submitted that all the claims now pending in the application are allowable over the cited reference. An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,



Martin D. Moynihan
Registration Number 40,338

Date: August 30, 2006

Encl:

Petition for Extension of One (1) month time
Request for Continued Examination (RCE)